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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

-----X	
BYRON HUART and KEVIN HUART,	:
	:
<i>Plaintiffs,</i>	:
	:
v.	:
	:
	:
THE GREAT ATLANTIC & PACIFIC TEA	:
COMPANY, INC., A&P, TONY ALIBRONDO,	:
JOHN BINCELLETO, JOHN DOES 1-15	:
(fictitious entities), and XYZ CORPORATIONS	:
1-5 (fictitious entities),	:
	:
<i>Defendants.</i>	:
-----X	

**CIVIL ACTION NO.: 10-5437 (FSH)(PS)**

**SUPPLEMENTAL DECLARATION  
OF JOHN P. BARRY, ESQ.**

I, JOHN P. BARRY, an attorney duly admitted to practice law before this Court, hereby declares, pursuant to 28 U.S.C. §1746:

1. I am a member of the firm of Proskauer Rose LLP, attorneys for defendant The Great Atlantic & Pacific Tea Company, Inc., and individual defendants John Bincoletto and Anthony Alibrando (collectively, "Defendants") in this matter. I make this supplemental declaration in further support of Defendants' Fed. R. Civ. P. 12(b)(6) motion to partially dismiss Plaintiffs' Amended Complaint with prejudice.

2. Attached hereto as Exhibit A is a true and correct copy of the Application and Order for Extension of Time for Defendants to Answer, Move or Otherwise Reply to the Amended Complaint dated October 22, 2010.

3. Attached hereto as Exhibit B is a true and correct copy of the EEOC form entitled "Information Related to Filing Suit Under the Laws Enforced By The EEOC."

I certify that under penalty of perjury that the foregoing statements made by me are true and correct.

Dated: December 1, 2010  
Newark, New Jersey

s/ John P. Barry  
John P. Barry